

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

TANYA L. JEFFERSON

Plaintiff,

v.

ROGERS & HARDIN, LLP

Defendant.

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CIVIL ACTION

NO. 1:15-CV-14-WSD-ECS

**FINAL REPORT AND RECOMMENDATION**  
**OF UNITED STATES MAGISTRATE JUDGE**

On January 2, 2015, Plaintiff, proceeding pro se and in forma pauperis, filed a complaint alleging violations of the Americans With Disabilities Act of 1990, as amended, 42 U.S.C. § 12111 et seq. [Doc. 1-1]. The undersigned approved Plaintiff's in forma pauperis application and accepted her complaint for filing on January 16, 2015. [Doc. 3]. Since that date, the record reflects no service of process upon Defendant.

Rule 4(m) of the Federal Rules of Civil Procedure provides that "[i]f a defendant is not served within 120 days after the complaint is filed, the court — on motion or on its own after notice to the plaintiff — must dismiss the action without prejudice against that defendant or order that service be made within a specified time." Fed. R. Civ. P. 4(m).

Because Plaintiff has failed to effect service upon Defendant within 120 days of the filing of her complaint, the undersigned

**RECOMMENDS** that Plaintiff's complaint be **DISMISSED WITHOUT PREJUDICE**. This Final Report and Recommendation constitutes notice of dismissal as required under Rule 4(m). See Anderson v. Osh Kosh B'Gosh, 255 F. App'x 345, 348 (11th Cir. 2006) (per curiam) (affirming dismissal under Rule 4(m) where the district court "did not dismiss the action until after it gave [the plaintiff] the opportunity to object to the magistrate's recommending dismissal"); Anderson v. Dawson, No. 4:09CV134-RH/WCS, 2011 WL 5981008, at \*2 (N.D. Fla. Nov. 29, 2011) ("The report and recommendation provided any notice required [by] Rule 4(m).").

**SO REPORTED AND RECOMMENDED**, this 11th day of June, 2015.

s/ E. Clayton Scofield III  
E. CLAYTON SCOFIELD III  
UNITED STATES MAGISTRATE JUDGE